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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERTO DURAND,

Plaintiff,

v.

ELY STATE PRISON, *et al.*,

Defendants.

Case No. 3:19-cv-00460-MMD-CBC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1).

Plaintiff’s application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a financial certificate. (See ECF No. 1). Therefore, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to

1 file a new application to proceed *in forma pauperis* he must file a fully complete application
2 to proceed *in forma pauperis* with a properly executed financial certificate and an inmate
3 account statement for the past six months.

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
6 *in forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

7 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
8 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
9 document entitled information and instructions for filing an *in forma pauperis* application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
11 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on
12 the correct form with a properly executed financial certificate and an inmate account
13 statement for the past six months, in compliance with 28 U.S.C. § 1915(a); or (2) pay the
14 full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
15 administrative fee).

16 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
17 dismissal of this action may result.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint
19 (ECF No. 1-1), but shall not file it at this time.

20 DATED: August 21, 2019.

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22 UNITED STATES MAGISTRATE JUDGE
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